

**IN THE HIGH COUR OF UTTARANCHAL AT
NAINITLAL.**

Writ Petition No. 1143 (S/S) of 2005

Puran Chandra Pant,
Son of Sri Bhala Dutt Pant,
Resident of Village – Kuchauli,
P.O. – Malsuna,
Tehsil-Bageshwar,
District- Bageshwar.

.....**Petitioner.**

Versus.

1. Principal, Inter College, Kameridevi, Bageshwar, District – Bageshwar.
2. District Inspector of School, Bageshwar.
3. Managing Committee, Inter College, Kameridevi, Bageshwar, District – Bageshwar.
4. State of Uttaranchal, through its Education Secretary, Uttaranchal Sashan, Dehradun.

.....**Respondents.**

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Kamal Jeet Narayan, leaned counsel for the petitioner and learned standing, who has accepted notices on behalf of respondents no. 2 and 4.

Learned counsel for the both the parties are agree to decide the writ petition its admission stage itself.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Mandamus commanding the respondent no. 1 to pay the post retriel dues to the petitioner.

The submission of the learned counsel for the petitioner is that petitioner was appointed as clerk in the Inter College, Kameridevi, District-Bageshwar on 01.01.1970 and petitioner

was suspended by the Committee of Management 10.06.1980 on the ground that he has embezzled Rs. 3,023.04 (Rupees three thousand twenty three and four paisa) from the College. After framing the charge of embezzlement against the petitioner, the services of the petitioner were terminated by the Committee of Management vide order dated 11.12.1980. The District Inspector of School confirmed the termination order vide order 06.08.1981. Thereafter, the then, Committee of Management on 19.07.1991 reappointed the petitioner and sent the resolution for approval of the reappointment of the petitioner to the Deputy Inspector of School. However, the District Inspector of School refused to grant the approval for reappointment of the petitioner vide order dated 27.07.1991. Aggrieved by the order passed by the District Inspector of School, the petitioner filed a Civil Suit no. 75 of 1991 before Munsif, Almora, which was rejected by the learned Munsif Magistrate on 26.03.1993. Thereafter, the petitioner has challenged the order dated 26.03.1993 passed by the learned Munsif Magistrate, by way of filing appeal in the court of District Judge, Almora, which was numbered as Misc. Civil Case No. 24 of 1993 and the same was also rejected. Thereafter, petitioner filed Claim Petition No 200 of 1994 before Public Service Tribunal. The said Claim petition was of 1994 before Public Service Tribunal. Petitioner has neither challenged the order passed by the District Judge, Almora nor has challenged the order passed by the Public Service Tribunal.

The present writ petition has been filed with a prayer to direct the respondents to pay him the post retired dues.

Learned counsel for the petitioner has submitted that after dismissal of the Claim Petition by the Public Services Tribunal the petitioner has moved an application before the respondent no. 1 to make payment of his post retired dues. The respondent no. 1 directed to the petitioner first to deposit Rs. 3,023.04, and only then he can claim for dues for which he is entitled to get from the college. Petitioner has submitted that he has already deposited Rs. 3,023.04 (Rupees three thousand twenty three and four paisa) with the College.

In view of the above submission of the petitioner, the respondent no. 1 i.e. Principal, Inter College, Kameridevi, Bageshwar, is directed to take necessary steps to pay the dues of the petitioner, if any, within a period of four weeks from the date of production of certified copy of this order.

With this direction, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 12, 2005

SKSharma